

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.

Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL DISCOVERY AS
PREMATURE

(ECF No. 17)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's motion to compel discovery, filed November 13, 2023. Plaintiff's motion must be denied as premature.

As stated in the Court's first informational order, "[a]fter defendants' answers are filed, the Court will issue an order opening discovery and setting deadlines for completing discovery, amending the pleadings, and filing dispositive motions. No discovery may be initiated until the Court issues a discovery order or otherwise orders that discovery begin." (ECF No. 2 at 4.) Defendants have not yet filed an answer and the Court has not yet ordered that discovery begin. Even when Defendants answer and a discovery and scheduling order is issued, any discovery requests must be served directly on the Defendants from whom discovery is sought, and unless a dispute arises, discovery requests should not be filed with the Court. (*Id.*) Plaintiff is advised to review the Court's first informational order issued on August 14, 2023. (ECF No. 2.) Accordingly, Plaintiff's motion to compel discovery is denied as premature and improperly filed.

IT IS SO ORDERED.

Dated: November 14, 2023


UNITED STATES MAGISTRATE JUDGE